

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2008 Legislative Session

Legislative Day # ____

BILL NO. 2008-15

Introduced by: Charles County Commissioners

CABLE REGULATORY CODE AMENDMENT ACT

Date introduced: 09 / 03 / 2008

Public Hearing: 09 / 17 / 2008 @ 4:00 p.m.

Commissioners Action: 09 / 17 / 2008 Enact _____

Commissioner Votes: WC: Y, EJP: Y, RC: Y, SG: Y, GH: Y

Pass/Fail: Pass

Effective Date: 11 / 07 / 2008

Remarks: _____

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2008 Legislative Session

Bill No. 2008-15

Chapter. No. _____

Introduced by Charles County Commissioners

Date of Introduction September 3, 2008

BILL

AN ACT concerning procedures and requirements relating to cable television franchises.

CABLE REGULATORY CODE AMENDMENT ACT

FOR the purpose of revising certain provisions of the County Cable Communications Regulatory Code, Ordinance No. 2002-48 (“the Ordinance”)

BY amending the following sections:

SECTION 1. BE IT ENACTED BY THE COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND, that Section 3(a)(1) of the Ordinance is amended by adding the following sentence at the end: “Such franchises shall be granted, and franchise agreements approved, by resolution of the County Commissioners.”

SECTION 2. BE IT FURTHER ENACTED, that Section 3(a)(2) of the Ordinance is amended by adding after the last sentence the following: “The County shall not modify the terms and conditions of a franchise agreement by changes to this Ordinance enacted after the effective date of the franchise agreement. Any amendments to this Ordinance shall be consistent with state and federal law and shall not abrogate any contractual rights of a franchisee contained in its franchise agreement or impose any new obligations or duties on the franchisee that would be inconsistent with that agreement.”.

SECTION 3. BE IT FURTHER ENACTED, that Section 3(c)(2) of the Ordinance is amended by striking the words “this Ordinance and the franchise agreement” at the end of the sentence and replacing them with the following: “the franchise agreement and this Ordinance, except to the extent otherwise expressly provided in a franchise agreement”.

SECTION 4. BE IT FURTHER ENACTED, that Section 3(c)(5) of the Ordinance is amended by adding at the beginning of the first sentence: “Except to the extent otherwise expressly provided in a franchise agreement,”.

SECTION 5. BE IT FURTHER ENACTED, that Section 3(d)(1)(B) of the Ordinance is amended by adding at the end of the last sentence: “, subject to any provisions specifically addressing the County’s police power in a franchise agreement”.

SECTION 6. BE IT FURTHER ENACTED, that Section 4(a) of the Ordinance is amended by striking the words “line extension” in the first sentence.

SECTION 7. BE IT FURTHER ENACTED, that Section 4(b)(2) of the Ordinance is amended by adding at the beginning of the first sentence: “Except to the extent otherwise expressly provided in a franchise agreement,”.

SECTION 8. BE IT FURTHER ENACTED, that Section 5 of the Ordinance is amended by adding the following separate paragraph at the beginning of Section 5, prior to Section 5(a):

The provisions of this Section 5 shall apply except to the extent otherwise expressly provided in a franchise agreement.

SECTION 9. BE IT FURTHER ENACTED, that Section 6(b)(4) of the Ordinance is amended by

- (a) deleting the second sentence; and
- (b) in the first sentence, adding after the words “in the amount of”, the following: “\$0.60 multiplied by the number of households in the proposed franchise area, but no greater than \$25,000 and no less than \$1,000,”.

SECTION 10. BE IT FURTHER ENACTED, that Section 7 of the Ordinance is amended by adding the following new Section 7(i) after the current Section 7(h):

(i) *Local Exchange Carriers*

This Section 7 shall not apply to the extent it is specifically excluded in the franchise agreement of a cable operator that is subject to right-of-way regulation under the terms applicable to a local exchange carrier.

SECTION 11. BE IT FURTHER ENACTED, that Section 9 of the Ordinance is amended by adding the following separate paragraph at the beginning of Section 9, prior to Section 9(a):

The provisions of this Section 9 shall apply except to the extent otherwise expressly provided in a franchise agreement.

SECTION 12. BE IT FURTHER ENACTED, that Section 11 of the Ordinance is amended by adding the following separate paragraph at the beginning of Section 11, prior to Section 11(a):

The provisions of this Section 11 shall apply except to the extent otherwise expressly provided in a franchise agreement.

SECTION 13. BE IT FURTHER ENACTED, that Section 12(a)(2) of the Ordinance is amended by adding at the beginning of the second sentence: “Except to the extent otherwise expressly provided in a franchise agreement,”.

SECTION 14. BE IT FURTHER ENACTED, that Section 12(b)(1)(A) of the Ordinance is amended by striking the text of Section 12(b)(1)(A) and replacing it with the word “[Reserved]”.

SECTION 15. BE IT FURTHER ENACTED, that Section 13(d)(2) of the Ordinance is amended by adding after the word “Alternatively” at the beginning the following: “, subject to any limitations specified in a franchise agreement,”.

SECTION 16. BE IT FURTHER ENACTED, that Section 13(f) of the Ordinance is amended by adding the following separate paragraph at the beginning of Section 13(f), prior to Section 13(f)(1):

Subsections 13(f)(1) through 13(f)(4) shall apply except to the extent otherwise expressly provided in a franchise agreement.

SECTION 17. BE IT FURTHER ENACTED, that Section 14(a)(1) of the Ordinance is amended by adding at the end of the section, before the period, the following: “, except to the extent otherwise expressly provided in a franchise agreement”.

SECTION 18. BE IT FURTHER ENACTED, that this Act shall take effect forty-five (45) calendar days after it becomes law.

COUNTY COMMISSIONERS OF
CHARLES COUNTY, MARYLAND

Wayne Cooper, President

Edith J. Patterson, Vice President

Reuben B. Collins, II

Samuel N. Graves, Jr.

Gary V. Hodge

ATTEST:

Denise Ferguson, Clerk